

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

In re: Shale Oil Antitrust Litigation

This Document Relates to:

ALL ACTIONS

Case No. 1:24-md-03119-MLG-LF
Judge Matthew L. Garcia
Magistrate Judge Laura Fashing

**PLAINTIFFS' FIRST SET OF REQUESTS TO JOHN B. HESS FOR THE
PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED
INFORMATION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, all Plaintiffs, on behalf of themselves and all others similarly situated, and by and through counsel, hereby request that John B. Hess respond to this First Set of Requests for Production of Documents and Electronically Stored Information and produce the documents and electronically stored information requested herein no later than 30 days after receipt, by secure electronic file transfer, or by such other mutually agreeable means of transfer or delivery, in accordance with the ESI Protocol, to be agreed by the Parties or entered by the Court. Corrections to, and supplemental responses of, the production of documents and electronically stored information are required as provided for in the Federal Rules of Civil Procedure.

DEFINITIONS

1. The definitions and rules of construction set forth in Federal Rule of Civil Procedure 34 are hereby incorporated and shall apply to Plaintiffs' First Set of Requests to

John B. Hess for the Production of Documents and Electronically Stored Information (“Requests”).

2. “Communications” includes every manner or means of disclosure, transfer, or exchange of information (in the form of facts, ideas, inquiries, or otherwise), whether orally, electronically, by document, telecopier, mail, personal delivery, text message, third-party messaging application, or otherwise.

3. “Complaint” refers to *Cavaliere v. Permian Resources Corp., et al.*, 1:24-cv-01128, (D.N.M. November 4, 2024), ECF No. 1.

4. “Custodial Files” means all previously produced Documents or Communications that were created, sent, received, saved, stored, or otherwise possessed by an individual and could have been collected from that individual, even if the Document or Communication was not collected specifically from that individual.

5. “Defendant” means any company, organization, entity, or person presently or subsequently named as a Defendant in this litigation including its predecessors, wholly owned or controlled subsidiaries or affiliates, successors, parents, owners, other subsidiaries, departments, divisions, joint ventures, other affiliates and any organization or entity managed or controlled by a named Defendant, including those merged with or acquired, together with all present and former directors, officers, Employees, agents, attorneys, representatives or any person acting or purporting to act on behalf of a Defendant.

6. “Document” shall have the same meaning as used in Rule 34 of the Federal Rules of Civil Procedure, and includes without limitation, the original and all non-identical copies of writings, including without limitation, handwritten, typed, printed or

electronically stored electronic material. Each and every draft of a Document is a separate Document for purposes of these Requests.

7. “Document Custodian” refers to any of Your Employees and/or representatives who the parties agree, or the Court orders, must have Documents in Your, the Employee’s, and/or representative’s possession, custody, or control, from whom the Documents shall be collected and produced in a manner consistent with the ESI Protocol, to be agreed by the parties or entered by the Court.

8. “Employee” means, without limitation, current and former officers, directors, executives, managers, sales personnel, secretaries, clerical staff, messengers, or any other person paid directly or indirectly by You, whether on a regular, contract, or any other basis, during the Relevant Time Period.

9. “ESI” or “electronically stored information” means information that is stored electronically, regardless of media or whether it is in the original format in which it was created.

10. “ESI Protocol” means the ESI Protocol that will be agreed upon by the parties or entered by the Court, as amended or supplemented from time to time.

11. “FTC” means the United States Federal Trade Commission.

12. “FTC Investigations” means any inquiry or investigation by the FTC from January 2021 to the present, that concerns anticompetitive conduct in the oil industry or potential anticompetitive effects of a merger or acquisition, including:

i. In the matter of Exxon Mobil Corporation, FTC File No. 241 0004;

- ii. In the matter of Chevron Corporation and Hess Corporation, FTC File No. 241 0008;
- iii. The FTC's inquiry into and requests for information concerning Occidental Petroleum's acquisition of CrownRock LP;
- iv. The FTC's inquiry into and requests for information concerning the merger between Diamondback Energy and Endeavor Energy;
- v. The FTC's inquiry into and requests for information concerning ConocoPhillips' acquisition of Marathon Oil;
- vi. The FTC's inquiry into and requests for information concerning the merger between Chesapeake Energy and Southwestern Energy; and
- vii. The FTC's inquiry into and requests for information concerning the merger between Centennial Resource Development and Colgate Energy.

13. "OPEC" means the Organization of the Petroleum Exporting Countries.

14. "Person" means, without limitation, any natural person, corporation, partnership, limited liability company, proprietorship, joint venture, association, government entity, group, or other form of legal entity.

15. "Protective Order" means the Protective Order that will be agreed upon by the parties or entered by the Court in this matter, as amended or supplemented from time to time.

16. “You” or “Your” means John B. Hess and any of his representatives, agents, attorneys, and assigns, and also includes any other entities or individuals acting or purporting to act on their behalf or at his direction.

17. The following additional definitions and rules of construction shall apply:

- A. The singular form of a word includes the plural and vice versa;
- B. The present tense shall be construed to include the past tense and vice versa;
- C. “And” and “or” shall be construed either disjunctively or conjunctively, whichever is appropriate to have the broadest reach;
- D. “Any” means one or more, “Each” means each and every, and “All” means all and any;
- E. “Concerning” means relating to, referring to, describing, evidencing or constituting;
- F. “Including” means including but not limited to and including without limitation;
- G. “Person” shall be interpreted in the broadest sense, and shall include any natural person or any business, legal, governmental, or nongovernmental entity, association, or organization;
- H. The masculine, feminine, or neuter pronoun(s) shall not exclude other genders; and
- I. References to employees, officers, directors, or agents shall include both current and former employees, officers, directors, and agents.

The use of any definition for the purposes of these Requests shall not be deemed to constitute an agreement or acknowledgement on the part of Plaintiffs that such definition is accurate, meaningful, or appropriate for any other purpose in this action.

INSTRUCTIONS

1. These instructions hereby incorporate the Protective Order and ESI Protocol, which have yet to be filed but whose terms shall prevail in the event of a conflict between those orders and these Instructions.
2. These Requests are deemed to be continuing in accordance with Federal Rule of Civil Procedure 26(e). You shall supplement Your responses within a reasonable time if You obtain or become aware of any further Documents responsive to these Requests.
3. Unless otherwise indicated, the Documents requested include all Documents and data in Your possession, custody, or control. Without limitation of the terms “possession, custody, or control,” as used in the preceding sentence, a Document is in Your possession, custody, or control if You have actual possession or custody or the right or practical ability to obtain the Document or a copy thereof upon demand from one or more of Your representatives, advisors, attorneys, or any other person or public or private entity that has actual physical possession thereof.
4. As the term “possession” relates to e-mail, the term includes, but is not limited to, email contained in Your electronic e-mail directories, including but not limited to: (a) “deleted” emails which have not been permanently deleted, including all subdirectories irrespective of the title of such subdirectories; (b) “sent” e-mails, including

all subdirectories irrespective of the title of such subdirectories; and (c) “received” e-mails, including all subdirectories irrespective of the title of such subdirectories.

5. With respect to the Documents produced, You shall produce them as they are kept in the usual course of business, including producing any tabs, labels, or directories of files identifying the Documents.

6. You must produce entire Documents including attachments, enclosures, cover letters, memoranda, and appendices. Documents not otherwise responsive to the Requests are to be produced if such Documents are attached to, or enclosed with, any Document that is responsive. Examples of such Documents include email attachments, routing slips, hyper-links to internal shared folders or files, transmittal memoranda or letters, comments, evaluations, or similar Documents. In the case of email attachments or embedded hyperlinks, if either the email or any of its attachments or embedded hyperlinks are responsive, produce the email and all of the corresponding attachments or hyperlinks. Documents attached to each other shall not be separated.

7. A Document with handwritten, typewritten or other recorded notes, editing marks, etc., is not and shall not be deemed to be identical to one without such modifications, additions, or deletions.

8. The term “original” includes the file copy or copies of any Document if there is no actual original copy.

9. All Documents shall be produced in their native format where available.

10. All data is to be produced in a spreadsheet or nonproprietary database format. For data in trading systems or other proprietary databases, You should identify the system

used to create, store, and/or maintain that data. The data can be exported to a spreadsheet or delimited text files, using pipe (“|”) delimiters, in a manner that preserves the precision of and relationships among the original data, and with a schema description containing column names and data types/sizes.

11. All data is to be accompanied by documentation sufficient to understand the meaning of all fields in the data provided and the methods, models, and data used in their calculation.

12. Pursuant to Federal Rule of Civil Procedure 26(b)(5), if any Document responsive to a Request below is withheld from production on the basis of any claim of privilege, You shall submit, in lieu of any such Document, a privilege log in accordance with the eventual Protective Order.

13. Pursuant to Federal Rule of Civil Procedure 34(b)(2)(C), if You object to any individual Request, You must state whether any responsive materials are being withheld on the basis of that objection, and You must specify the part of the Request to which You are objecting and produce all materials that are responsive to the remainder of the Request.

14. In the event that You object to any Request on the ground that it is overbroad or unduly burdensome for any reason, respond to that Request as narrowed to the least extent necessary, in Your judgment, to render it not overbroad/unduly burdensome and state specifically the extent to which You have narrowed that Request for purposes of Your response and the factual basis for Your conclusion. When a Document or ESI contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a

privilege is asserted with regard to part of the material contained in a Document or ESI, you must clearly indicate the portions as to which the privilege is claimed. When a Document or ESI has been redacted, identify as to each such Document or ESI the reason for the redaction. Any redaction must be clearly indicated on the face of the redacted Document or ESI.

15. In the event that any Document responsive to any Request once was, but is no longer, in Your possession, custody, or control, or has been lost, destroyed, discarded, or otherwise disposed of, You are requested to identify such Document as completely as possible, including without limitation, the following information:

- A. the nature of the Document;
- B. the person who prepared or authorized the Document and, if applicable, the person to whom the Document was sent; the date on which the Document was prepared or transmitted; and
- C. if possible, what has happened to the Document and where it or any copies of it may be located, or if the Document was lost or destroyed, the date on which the Document was lost or destroyed, and, if destroyed, the conditions of and the reasons for such destruction and the persons requesting and performing the destruction.

16. Each Request shall be construed independently, and no Request shall be viewed as limiting the scope of any other Request.

17. Each Document is to be produced along with all drafts, without abbreviation or redaction.

18. If no Documents are responsive to a particular Request, You are to state that no responsive Documents exist. If You object to the scope or breadth of any of these Requests, You should identify, to the extent possible, those Documents that You will produce notwithstanding the objection.

19. Unless a specific Request indicates otherwise, each Request calls for production of Documents and data dated, prepared, or received during, or otherwise related to, the period from January 1, 2016, through the date of your response (the “Relevant Time Period”). However, if a Document prepared before January 1, 2016, is necessary for a correct and/or complete understanding of any Document covered by the Request, such earlier Document shall be produced. If any Document is undated, or the date of its preparation cannot be determined, the Document shall be produced if otherwise responsive to the Request. Plaintiffs will meet and confer with You regarding the appropriate custodians whose email accounts and other Documents should be searched in responding to these Requests and whether any search terms or other culling parameters are appropriate.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All Documents and Communications cited in the complaint published by the FTC on September 30, 2024, in the Matter of Chevron Corporation and Hess Corporation, FTC File No. 241-0008.

REQUEST NO. 2:

All Documents and Communications You produced to the FTC in any of the FTC Investigations.

REQUEST NO. 3:

All Documents and Communications produced to any government or regulatory body that concern or relate to the allegations, descriptions, information, and conduct described in the Complaint.

Dated November 19, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2024, a true and correct copy of the foregoing PLAINTIFFS' FIRST SET OF REQUESTS TO JOHN B. HESS FOR THE PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED INFORMATION was served by email on John B. Hess's counsel of record.

/s/Daniel J. Brockwell

Daniel J. Brockwell